

UNITED STATES DISTRICT COURT
District of MassachusettsUNITED STATES OF AMERICA
v.

HANA AL JADER

JUDGMENT IN A CRIMINAL CASE

Case Number: 1: 05 CR 10085 - 001 - RCL

USM Number: 25576-038

Richard Egbert, Esq.

Defendant's Attorney

 Additional documents attached**THE DEFENDANT:** pleaded guilty to count(s) 7-10 pleaded nolo contendere to count(s) _____ which was accepted by the court. was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Additional Counts - See continuation page

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 1546(a)	Visa Fraud	12/19/03	7,8
8 USC §1324(a)(1)(A)	Harboring an Alien in the United States	11/16/04	9,10

The defendant is sentenced as provided in pages 2 through 9 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

 The defendant has been found not guilty on count(s) _____ Count(s) 1-6 _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

12/21/06

Date of Imposition of Judgment

Signature of Judge

/s/The Honorable Reginald C. Lindsay
Judge, U.S. District Court

Name and Title of Judge

1/18/07

Date

DEFENDANT: **HANA AL JADER**CASE NUMBER: **1: 05 CR 10085 - 001 - RCL****PROBATION** See continuation pageThe defendant is hereby sentenced to probation for a term of : **2** year(s)

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, not to exceed 104 tests per year, as directed by the probation officer.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: **HANA AL JADER**Judgment—Page 3 of 9CASE NUMBER: **1: 05 CR 10085 - 001 - RCL****ADDITIONAL SUPERVISED RELEASE PROBATION TERMS**

The defendant is to serve 6 months in home detention without electronic monitoring.

The defendant is to pay the balance of the restitution according to a court-ordered repayment schedule.

The defendant is to pay the balance of the fine according to a court-ordered repayment schedule.

The defendant is prohibited from incurring new credit charges or opening additional lines of credit without the approval of the Probation Office while any financial obligations remain outstanding.

The defendant is to provide the Probation Office access to any requested financial information, which may be shared with the Financial Litigation Unit of the U.S. Attorney's Office.

If ordered deported, the defendant is to leave the United States and is not to return without prior permission of the Secretary of the Department of Homeland Security.

The defendant is to complete 100 hours of community service to be approved by the Court.

Continuation of Conditions of Supervised Release Probation

DEFENDANT: **HANA AL JADER**CASE NUMBER: **1: 05 CR 10085 - 001 - RCL**Judgment — Page 4 of 9**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

TOTALS	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
	\$ 400.00	\$ 40,000.00	\$ 206,972.00

The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Rohimah BtLili Bakri	\$98,486.00	\$98,486.00	
Trimurniyati Bt Sukadi Dzalipa	\$98,486.00	\$98,486.00	
Veronica Pedroza	\$10,000.00	\$10,000.00	

See Continuation Page

TOTALS \$ 206,972.00 \$ 206,972.00

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: **HANA AL JADER**CASE NUMBER: **1: 05 CR 10085 - 001 - RCL**Judgment—Page 5 of 9**ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES**

Any payment made, that is not payment in full, shall be divided proportionately among the parties named.

The restitution shall be paid immediately or according to a court-ordered repayment schedule. Payments shall be made to the Clerk, U.S. District Court for transfer to the victims identified.

The defendant shall notify the United States Attorney for this district within 30 days of any change of mailing or residence address that occurs while any portion of the restitution and/or fine remains unpaid.

The fine shall be paid immediately or according to a court-ordered repayment schedule. The fine is to be continued to be paid until the full amount (including any interest required by law) has been paid.

DEFENDANT: **HANA AL JADER**CASE NUMBER: **1: 05 CR 10085 - 001 - RCL**Judgment — Page 6 of 9**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

A Lump sum payment of \$ \$400.00 due immediately, balance due
 not later than _____, or
 in accordance C, D, E, or F below; or

B Payment to begin immediately (may be combined with C, D, or F below); or

C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or

D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

 Joint and Several See Continuation Page

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

 The defendant shall pay the cost of prosecution. The defendant shall pay the following court cost(s): The defendant shall forfeit the defendant's interest in the following property to the United States:

real property located at 339 Mystic Street, Arlington, Massachusetts

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

DEFENDANT: **HANA AL JADER**CASE NUMBER: **1: 05 CR 10085 - 001 - RCL**DISTRICT: **MASSACHUSETTS****STATEMENT OF REASONS****I COURT FINDINGS ON PRESENTENCE INVESTIGATION REPORT**A **The court adopts the presentence investigation report without change.**B **The court adopts the presentence investigation report with the following changes.**(Check all that apply and specify court determination, findings, or comments, referencing paragraph numbers in the presentence report, if applicable.)
(Use Section VIII if necessary.)1 **Chapter Two of the U.S.S.G. Manual** determinations by court (including changes to base offense level, or specific offense characteristics):2 **Chapter Three of the U.S.S.G. Manual** determinations by court (including changes to victim-related adjustments, role in the offense, obstruction of justice, multiple counts, or acceptance of responsibility):3 **Chapter Four of the U.S.S.G. Manual** determinations by court (including changes to criminal history category or scores, career offender, or criminal livelihood determinations):4 **Additional Comments or Findings** (including comments or factual findings concerning certain information in the presentence report that the Federal Bureau of Prisons may rely on when it makes inmate classification, designation, or programming decisions):C **The record establishes no need for a presentence investigation report pursuant to Fed.R.Crim.P. 32.****II COURT FINDING ON MANDATORY MINIMUM SENTENCE (Check all that apply.)**A No count of conviction carries a mandatory minimum sentence.B Mandatory minimum sentence imposed.C One or more counts of conviction alleged in the indictment carry a mandatory minimum term of imprisonment, but the sentence imposed is below a mandatory minimum term because the court has determined that the mandatory minimum does not apply based on

- findings of fact in this case
- substantial assistance (18 U.S.C. § 3553(e))
- the statutory safety valve (18 U.S.C. § 3553(f))

III COURT DETERMINATION OF ADVISORY GUIDELINE RANGE (BEFORE DEPARTURES):

Total Offense Level: 10

Criminal History Category: I

Imprisonment Range: 6 to 10 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 2,000 to \$ 20,000

 Fine waived or below the guideline range because of inability to pay.

DEFENDANT: **HANA AL JADER**CASE NUMBER: **1: 05 CR 10085 - 001 - RCL**DISTRICT: **MASSACHUSETTS****STATEMENT OF REASONS****IV ADVISORY GUIDELINE SENTENCING DETERMINATION** (Check only one.)

A The sentence is within an advisory guideline range that is not greater than 24 months, and the court finds no reason to depart.

B The sentence is within an advisory guideline range that is greater than 24 months, and the specific sentence is imposed for these reasons.
(Use Section VIII if necessary.)

C The court departs from the advisory guideline range for reasons authorized by the sentencing guidelines manual.
(Also complete Section V.)

D The court imposed a sentence outside the advisory sentencing guideline system. (Also complete Section VI.)

V DEPARTURES AUTHORIZED BY THE ADVISORY SENTENCING GUIDELINES (If applicable.)A **The sentence imposed departs** (Check only one.):

below the advisory guideline range

above the advisory guideline range

B **Departure based on** (Check all that apply.):

1 **Plea Agreement** (Check all that apply and check reason(s) below.):

5K1.1 plea agreement based on the defendant's substantial assistance

5K3.1 plea agreement based on Early Disposition or "Fast-track" Program

binding plea agreement for departure accepted by the court

plea agreement for departure, which the court finds to be reasonable

plea agreement that states that the government will not oppose a defense departure motion.

2 **Motion Not Addressed in a Plea Agreement** (Check all that apply and check reason(s) below.):

5K1.1 government motion based on the defendant's substantial assistance

5K3.1 government motion based on Early Disposition or "Fast-track" program

government motion for departure

defense motion for departure to which the government did not object

defense motion for departure to which the government objected

3 **Other**

Other than a plea agreement or motion by the parties for departure (Check reason(s) below.):

C **Reason(s) for Departure** (Check all that apply other than 5K1.1 or 5K3.1.):

<input type="checkbox"/> 4A1.3	Criminal History Inadequacy	<input type="checkbox"/> 5K2.1	Death	<input type="checkbox"/> 5K2.11	Lesser Harm
<input type="checkbox"/> 5H1.1	Age	<input type="checkbox"/> 5K2.2	Physical Injury	<input type="checkbox"/> 5K2.12	Coercion and Duress
<input type="checkbox"/> 5H1.2	Education and Vocational Skills	<input type="checkbox"/> 5K2.3	Extreme Psychological Injury	<input type="checkbox"/> 5K2.13	Diminished Capacity
<input type="checkbox"/> 5H1.3	Mental and Emotional Condition	<input type="checkbox"/> 5K2.4	Abduction or Unlawful Restraint	<input type="checkbox"/> 5K2.14	Public Welfare
<input type="checkbox"/> 5H1.4	Physical Condition	<input type="checkbox"/> 5K2.5	Property Damage or Loss	<input type="checkbox"/> 5K2.16	Voluntary Disclosure of Offense
<input type="checkbox"/> 5H1.5	Employment Record	<input type="checkbox"/> 5K2.6	Weapon or Dangerous Weapon	<input type="checkbox"/> 5K2.17	High-Capacity, Semiautomatic Weapon
<input type="checkbox"/> 5H1.6	Family Ties and Responsibilities	<input type="checkbox"/> 5K2.7	Disruption of Government Function	<input type="checkbox"/> 5K2.18	Violent Street Gang
<input type="checkbox"/> 5H1.11	Military Record, Charitable Service, Good Works	<input type="checkbox"/> 5K2.8	Extreme Conduct	<input type="checkbox"/> 5K2.20	Aberrant Behavior
<input type="checkbox"/> 5K2.0	Aggravating or Mitigating Circumstances	<input type="checkbox"/> 5K2.9	Criminal Purpose	<input type="checkbox"/> 5K2.21	Dismissed and Uncharged Conduct
		<input type="checkbox"/> 5K2.10	Victim's Conduct	<input type="checkbox"/> 5K2.22	Age or Health of Sex Offenders
				<input type="checkbox"/> 5K2.23	Discharged Terms of Imprisonment
				<input type="checkbox"/>	Other guideline basis (e.g., 2B1.1 commentary)

D **Explain the facts justifying the departure.** (Use Section VIII if necessary.)

The parties agreed to a fine above the advisory guideline range

DEFENDANT: **HANA AL JADER**

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CASE NUMBER: **1: 05 CR 10085 - 001 - RCL**
DISTRICT: **MASSACHUSETTS**

STATEMENT OF REASONS

VI COURT DETERMINATION FOR SENTENCE OUTSIDE THE ADVISORY GUIDELINE SYSTEM

(Check all that apply.)

A The sentence imposed is (Check only one.):

- below the advisory guideline range
- above the advisory guideline range

B Sentence imposed pursuant to (Check all that apply.):

1 **Plea Agreement** (Check all that apply and check reason(s) below.):

- binding plea agreement for a sentence outside the advisory guideline system accepted by the court
- plea agreement for a sentence outside the advisory guideline system, which the court finds to be reasonable
- plea agreement that states that the government will not oppose a defense motion to the court to sentence outside the advisory guideline system

2 **Motion Not Addressed in a Plea Agreement** (Check all that apply and check reason(s) below.):

- government motion for a sentence outside of the advisory guideline system
- defense motion for a sentence outside of the advisory guideline system to which the government did not object
- defense motion for a sentence outside of the advisory guideline system to which the government objected

3 **Other**

- Other than a plea agreement or motion by the parties for a sentence outside of the advisory guideline system (Check reason(s) below.):

C Reason(s) for Sentence Outside the Advisory Guideline System (Check all that apply.)

- the nature and circumstances of the offense and the history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1)
- to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense (18 U.S.C. § 3553(a)(2)(A))
- to afford adequate deterrence to criminal conduct (18 U.S.C. § 3553(a)(2)(B))
- to protect the public from further crimes of the defendant (18 U.S.C. § 3553(a)(2)(C))
- to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner (18 U.S.C. § 3553(a)(2)(D))
- to avoid unwarranted sentencing disparities among defendants (18 U.S.C. § 3553(a)(6))
- to provide restitution to any victims of the offense (18 U.S.C. § 3553(a)(7))

D Explain the facts justifying a sentence outside the advisory guideline system. (Use Section VIII if necessary.)

DEFENDANT: **HANA AL JADER**

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CASE NUMBER: **1: 05 CR 10085 - 001 - RCL**DISTRICT: **MASSACHUSETTS****STATEMENT OF REASONS****VII COURT DETERMINATIONS OF RESTITUTION**A Restitution Not Applicable.B Total Amount of Restitution: 206,972.00

C Restitution not ordered (Check only one.):

- 1 For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because the number of identifiable victims is so large as to make restitution impracticable under 18 U.S.C. § 3663A(c)(3)(A).
- 2 For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because determining complex issues of fact and relating them to the cause or amount of the victims' losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U.S.C. § 3663A(c)(3)(B).
- 3 For other offenses for which restitution is authorized under 18 U.S.C. § 3663 and/or required by the sentencing guidelines, restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweigh the need to provide restitution to any victims under 18 U.S.C. § 3663(a)(1)(B)(ii).
- 4 Restitution is not ordered for other reasons. (Explain.)

D Partial restitution is ordered for these reasons (18 U.S.C. § 3553(c)):**VIII ADDITIONAL FACTS JUSTIFYING THE SENTENCE IN THIS CASE (If applicable.)**

See Attached Transcript

Sections I, II, III, IV, and VII of the Statement of Reasons form must be completed in all felony cases.

Defendant's Soc. Sec. No.: _____

Date of Imposition of Judgment

12/21/06

Defendant's Date of Birth: _____

Signature of Judge

/s/The Honorable Reginald C. Lindsay Judge, U.S. District Court

Defendant's Residence Address:

Name and Title of Judge

Date Signed 1/18/07

Defendant's Mailing Address:

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4 THE COURT: There are two important factors that I
5 have considered in determining the appropriate sentence to
6 impose.

7

8 Ms. Al Jader, will you stand, please?

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10 One of them -- actually, each of them is a factor
11 that each of the counsel for the government and your counsel
12 have referred to. And I have tried to balance these two
13 factors. One of them is the deterrence factor. I see that
14 there are a number of cases like this where foreign nationals
15 bring domestic servants into the country and either
16 misrepresent what they are paying and do not pay them
17 adequately, and it should not be the case that this can happen
18 and someone of wealth and privilege can do it and the only
19 punishment is that you pay fines; that you are deported; and,
20 in short, that the punishment is simply financial. That's one
21 factor, because in that sense, it becomes a kind of cost of
22 doing business.

23

24 The other factor, which Mr. Egbert has laid out
25 before me, has to do with your family circumstances. And
there's more to it than even he has said that I have
considered. Because he points to your value to your husband.
He did not mention your children -- he did mention your
children but did not elaborate on your children. I know that

1 you have children, six children, and they are separated, or
2 some are here, some are in Saudi Arabia; but any prison term
3 would affect them because they would have no guidance from
4 either parent for any term of imprisonment, and they are at a
5 time in their lives where such guidance is required.

6 Now, as to the circumstances involving your
7 husband, I am -- I guess the word is impressed by the devotion
8 you have shown to your husband. The presentence report informs
9 me that he was injured at age 25 and for the following 16 years
10 you have remained by his side. The presentence report
11 indicates that his family desired to step in and to have you
12 leave and have you abandon your children, and you refused to do
13 that. You stayed by his side and stayed and cared for your
14 children essentially by yourself.

15 I think these do speak of extraordinary family
16 circumstances. It may be that others can provide some care for
17 your husband. There is a dispute in the record about whether
18 other people have cared for him; but I agree with Mr. Egbert
19 that the 16 years that you have devoted yourself to him is not
20 something that can be replaced by a paid person, a helper. And
21 your children, I understand, are only recently coming to be
22 able to help him. I don't believe that it's possible to take
23 away what has been provided by way of emotional support by you
24 to your husband and to your children, but particularly to your
25 husband, during this period.

1 So it seems to me that Mr. Egbert is right, that
2 you are irreplaceable in this sense. And so I don't think a
3 prison term is appropriate for you.

4 I do think, however, because I am concerned about
5 deterrence that I have to do more than credit you with your
6 home detention. I think I'm going to impose a further period
7 of home detention of six months with probation, and there is a
8 community service requirement I'm going to impose and you will
9 hear that the community service requirement that I impose I
10 want to approve and I'll spell it out. Because you have
11 something I think that can be of value to the community. The
12 kind of community service I want you to perform during this
13 period you are on home confinement I want to be something that
14 will take advantage of your ability, your language, and your
15 Arabic and your familiarity with Arab culture. I think
16 there's -- we are sorely lacking in understanding Arab culture
17 and the Arabic language. I was struck by the report of -- what
18 is it called, the special committee -- the Baker-Hamilton
19 Commission -- whatever that committee that reported to the
20 President about what to do about the war in Iraq. There are a
21 thousand people in the embassy in Iraq and only eight of them
22 can speak Arabic fluently. So I think that the community
23 service that I want to impose on you I want to take advantage
24 of your abilities in this regard.

25 So, for all these reasons, the sentence I'm going

1 to impose on you will be one of probation with this community
2 service requirement. And I will impose the requirements that
3 you have agreed to in your plea agreement: the forfeiture, the
4 restitution, and the fine; and I'll add these provisions
5 myself, these other provisions that I've discussed.

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